

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 1202 OF 1993

Ashok Thaper & Ors. ...Plaintiffs
V/s.
M/s.Shantivan Developers Pvt.Ltd. ...Defendants

AND

SUIT NO. 1203 OF 1993

Mr.Dharmendra Kumar Goyal ...Plaintiffs
V/s.
Rajdhani Properties Pvt.Ltd. ...Defendants

AND

SUIT NO. 2024 OF 1993

Rajdhani Properties Pvt.Ltd. ...Plaintiffs
V/s.
M/s.Shantivan Developers Pvt.Ltd. ...Defendants

Appearance in above matters :-

Mr.J.P.Sen i/b. M/s.Federal Rashmikan & Associates,
Advocates for the Plaintiffs.

Mr.Rajiv Narula, Advocate i/b. M/s. Zhangiani Narula
& Associates, Advocates for Defendant no.1.

Mrs.A.S. Malvankar, Advocate for intending Purchaser.

Mr.D.R. Dhurat, 1st Asstt.to Court Receiver.

CORAM : A.S. AGUIAR, J.
DATED : DECEMBER 7, 2004.

P.C. :-

1. Mr.Narula for the Judgment-debtor/defendant states that he has parties who are willing to offer 15% more than the price now offered by M/s.Raja Food Products Ltd. and others who have offered to purchase the property for Rs.1,11,00,000/-. A xerox copy of the demand draft for Rs.25,00,000/- dated 25th October, 2004 as earnest money was forwarded to the Court Receiver with an undertaking to pay the entire consideration after sanction by the Court.

2. In the event of the Judgment-debtor failing to bring an offer for purchase at 15% more than the price offered by M/s.Raja Food Products Ltd., within the week the matter to be placed on board in the next week for considering the offer of M/s.Raja Food Products Ltd.

3. Mr.Narula for the Judgment-debtor points out that the advertisement for sale by auction did not include the terrace abutting the flats admeasuring 3643 sq.ft.

4. Mrs.Malvankar for M/s.Raja Food Products Ltd.

states that her client will suitably increase the offer and also add the value of the open terrace measuring 3643 sq.ft.

5. Mr.Narula's client will also make an offer taking into consideration the value of the terrace abutting the flats.

6. S.O. one week.

(A.S. AGUIAR, J.)